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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL EDWARD COLBY,

Defendant and Appellant.

E064722

(Super.Ct.No. INF1102492)

O P I N I O N

APPEAL from the Superior Court of Riverside County. Becky Dugan, Judge.

Affirmed.

Siri Shetty, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant, Michael Edward Colby, filed a petition for resentencing pursuant to Penal Code section 1170.18,¹ which the court denied, after noting it had

¹ All further statutory references are to the Penal Code unless otherwise indicated.

previously granted the petition. After defendant filed a notice of appeal, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and identifying one potentially arguable issue: whether the court erred in denying defendant's petition. We affirm.

I. PROCEDURAL STATEMENT

On November 3, 2011, the People charged defendant by felony complaint with unlawful possession of methamphetamine. (Health & Saf. Code, § 11377, subd. (a), count 1.) On July 31, 2013, defendant entered a plea of guilty and was placed on deferred entry of judgment pursuant to Penal Code section 1000.

On May 15, 2015, defendant filed a request for resentencing pursuant to section 1170.18. On the same date, defendant entered guilty pleas in two other cases and admitted the offenses constituted violations of his probation in the instant case. The court accepted his admission, reduced the offense to a misdemeanor, and terminated his probation.

On July 1, 2015, the People signed a response to defendant's petition for resentencing in which they waived their presence and agreed to defendant's resentencing. The People filed the response on September 2, 2015. On the same date, the court denied the petition, noting it had already been granted on May 15, 2015.

II. DISCUSSION

We offered defendant an opportunity to file a personal supplemental brief, which he has not done. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

III. DISPOSITION

The judgment is affirmed.

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McKINSTER
J.

We concur:

RAMIREZ
P. J.

MILLER
J.